

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

UNITED STATES OF AMERICA,)

Plaintiff,)

vs.)

MATTHEW J. O'CONNER,)

Defendant.)

Case No.: A05-0107 CR (RRB)

NON-OPPOSED MOTION TO CONTINUE SENTENCING

A period of excludable delay under 18 U.S.C. 3161(h)(1)(F) may occur as a result of the filing/granting/denying of this motion.

Defendant, Matthew J. O'Connor, by and through counsel, Robert M. Herz, of the Law Offices of Robert Herz, P.C. moves this court to continue the sentencing that is presently scheduled in this matter for April 25, 2006. Counsel presently is in a sexual assault trial in State v. Cano, 3AN-S02-4148 Cr. which is anticipated to last until at least March 31, 2006. Counsel has not received a draft pre-sentence report as yet in Mr. O'Connor's case. Mr. O'Connor is now detained out-of-state and communication will be more difficult in terms of filing any comments or objections to the draft report. Counsel will need the time after the Cano trial is completed, from April 1 through April 15 to communicate with Mr. O'Connor and to prepare any comments to the draft report after it is circulated. Thereafter, Counsel will be out of state from April 16 through April 25, 2006. Upon return, counsel would anticipate needing approximately one week to prepare and file a sentencing memorandum which under normal circumstances should be filed a week in advance of sentencing. As a consequence, counsel respectfully requests that sentencing be continued to the week of May 8, 2006 or sometime thereafter that is convenient to the court.

Counsel for Mr. Lusk, attorney John Murtagh, non-opposes this motion and prefers a Friday or anytime in the afternoon that is convenient for the Court during the weeks of May 8 or May 16. Assistant U.S. Attorney, Crandon Randall non-opposes this continuance and is available anytime May 8th or thereafter. Counsel estimates the time needed for the imposition of sentence is 1 to 1.5 hours.

DATED at Anchorage, Alaska, this 20th day of March 2006.

THE LAW OFFICES OF ROBERT HERZ, PC

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CERTIFICATE OF SERVICE

I hereby certify that on March 20th, 2006, a copy of the foregoing Non-Opposed Motion was served electronically on Assistant United States Attorney Crandon Randall s/ Robert Herz

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ORDER

Based upon the Non-Opposed Motion to Continue Sentencing filed by Matthew J. O'Conner and this Court being fully advised in the premises;

IT IS HEREBY ORDERED that the Motion is GRANTED. The Sentencing is continued to _____, 2006 at _____ a.m./p.m.

DONE at Anchorage, Alaska, this _____ day of _____ 2006.

JUDGE OF THE UNITED STATES DISTRICT COURT